

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

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JAKE'S BAR AND GRILL, LLC, and  
ANTONIO VITOLO,

Plaintiffs,

v.

ISABELLA CASILLAS GUZMAN,

Defendant.

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**PLAINTIFFS' MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

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Plaintiffs hereby move, pursuant to Federal Rule of Civil Procedure 65, for a temporary restraining order, to last until this Court rules on Plaintiffs' preliminary injunction motion, prohibiting Defendant from paying out any grants from the Restaurant Revitalization Fund, *unless* Defendant begins processing applications and paying grants in the order that the applications were received, without regard to the race or gender of the applicants.

The grounds for this motion are set forth more fully in an accompanying Memorandum in Support of a Temporary Restraining Order and Preliminary Injunction. In short, however, the American Rescue Plan Act of 2021 created a limited fund to provide relief for restaurants impacted by the COVID-19 pandemic, but then requires the Small Business Administration (SBA) (led by Defendant) to process applications from women and certain racial minorities ahead of white male

applicants, in violation of the Equal Protection guarantee in the United States Constitution. SBA is currently awarding grants on a first-come, first-serve basis until the money runs out, but has placed white male applicants at the back of the line, creating a significant risk that there will be less (or no) money left when their turn comes. Every day that this process continues without an injunction or temporary restraining order, the fund gets smaller, increasing inequality between funds available to white men, and those who received priority consideration based on race and gender. To ensure that all applicants receive an equal shot at these much-needed relief funds, Plaintiffs seek an immediate, temporary restraining order requiring Defendant to halt paying out any grants from the fund until this Court can rule on a preliminary injunction, *unless* Defendant immediately begins processing applications and awarding grants in the order the applications were received, without regard to race or gender.

Dated: May 11, 2021

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## CERTIFICATION

Pursuant to Federal Rule of Civil Procedure 65, counsel for the Plaintiffs certifies the following with respect to notice to the Defendants:

On May 11, 2021, before filing this case and motion, counsel for the Plaintiffs left a voicemail for and emailed the Civil Chief of the U.S. Attorney's Office for the Eastern District of Tennessee to notify Defendant of Plaintiffs' intention to seek a temporary restraining order and preliminary injunction in this matter, and provided Defendant with advance copies of the complaint, motion for a temporary restraining order, motion for preliminary injunction, memorandum and declaration in support of both, and the proposed order.

Dated: May 11, 2021

/s/ Daniel P. Lennington

Daniel P. Lennington